

## Message Text

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PAGE 01 STATE 078323

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ORIGIN IO-10

INFO OCT-01 EUR-12 ISO-00 L-02 JUSE-00 FBIE-00 SCA-01

SAJ-01 INR-07 SS-15 /049 R

DRAFTED BY IO/UNP:LRHAGE:BKM

APPROVED BY IO/UNP:JABAKER

EUR/SOV:RCOMBS (DRAFT)

L/UNA:ASURENA (DRAFT)

JUSTICE:JPERKINS (SUBS)

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R 072019Z APR 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMCONSUL LENINGRAD

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: PFOR, ASEC, US, UR, UN

SUBJECT: COURT APPEARANCE OF SMUN RECEPTIONIST

1. IN INTERVIEW WITH FBI AGENTS IN FEBRUARY REGARDING ASSAULT IN SMUN BUILDING BY EDWARD CLINE ON MIKHAIL BURLAKOV, SMUN RECEPTIONIST, YURY J. SHCHERBAKOV, FIRST SECRETARY, SMUN MADE CLEAR THAT HE WANTED THIS MATTER TO BE FEDERALLY PROSECUTED. HOWEVER, HE ADVISED THE FBI AGENTS THAT BURLAKOV WOULD NOT BE PERMITTED TO TESTIFY IN COURT.

2. DEPT OF JUSTICE HAS REQUESTED DEPT APPROACH SOVIETS TO SEEK COURT APPEARANCE OF BURLAKOV SINCE HE WAS THE VICTIM AND EYE WITNESS IN THIS ASSAULT CASE.

3. JUSTICE AGAIN POINTS OUT, AS IT HAS IN THE PAST  
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PAGE 02 STATE 078323

(DEPT 250202 DATED DECEMBER 26, 1973 - KOSENKOV ASSAULT

CASE) THAT PROSECUTION WITHOUT VICTIM'S TESTIMONY IS UNHEARD OF AND IN PRESENT CASE BURLAKOV'S ABSENCE WOULD ALLOW ACCUSED TO FABRICATE OWN STORY ABOUT INCIDENT.

4. DEPT WILL DISCUSS PROBLEM WITH SOVIET EMBASSY AND URGE THAT BURLAKOV BE AUTHORIZED TO TESTIFY. MISSION REQUESTED TO RAISE MATTER WITH SMUN.

5. MISSION MAY DRAW UPON FOLLOWING TALKING POINTS:

A. JUSTICE DEPT'S PROPOSAL TO PROSECUTE CLINE IS SIGN OF USG'S CONTINUING EFFORT TO ASSURE SAFETY OF SOVIET PERSONNEL BY BRINGING TO JUSTICE THOSE WHO HAVE HARASSED AND ASSAULTED SOVIET OFFICIALS.

B. ALTHOUGH OUR LEGAL SYSTEM DOES NOT REQUIRE EVIDENCE FROM VICTIM, UNDER US TRIAL PROCEDURES BURDEN OF PROOF RESTS WITH PROSECUTION AND CASE WOULD NOT STAND CHANCE IN COURT UNLESS BURLAKOV TESTIFIES.

C. US ATTORNEYS WOULD RESIST VIGOROUSLY ANY EFFORT BY DEFENSE TO CROSS EXAMINE BURLAKOV ON ISSUES OUTSIDE SCOPE OF FACTS OF INCIDENT OR TO EMBARRASS BURLAKOV OR USSR AND WOULD BE GLAD TO DISCUSS ANY OTHER ASPECTS OF CASE WITH SOVIETS. SMUN MAY BE REMINDED HOW EFFECTIVELY THIS PROBLEM WAS HANDLED IN KOSENKOV CASE. INGERSOLL

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** CRIMES, DIPLOMATIC PERSONNEL HARASSMENT, POLICE PROTECTION RIGHTS, TRIALS, COURTS  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 12 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <12 JUN 2003 by izenbei0>; APPROVED <30 OCT 2003 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** COURT APPEARANCE OF SMUN RECEPTIONIST  
**TAGS:** PFOR, ASEC, US, UR, UN, (CLINE, EDWARD), (BURLAKOV, MIKHAIL)  
**To:** USUN NEW YORK  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006